

February 25, 1994

This is in response to your correspondence of October 15, 1993, requesting a written clarification of whether certain activities performed by Southern California Gas Company are safety-sensitive, thereby requiring their inclusion in the U.S. Department of Transportation, Research and Special Programs Administration's anti-drug program set out in 49 CFR Parts 199 and 40.

Your correspondence indicates that the company replaces and/or relocates segments of pipelines that have been removed from service. The job involves cutting the pipeline and welding end caps on the existing line at the tie-in points to completely isolate the segment to be removed or replaced.

Your two questions and our responses are outlined below:

QUESTION: When a new segment of significant length is constructed to replace or change the location of an existing segment, and the new location is some distance away in a new trench and right-of-way and no lines being worked on contains gas, is the construction of the new segment considered to be safety-sensitive work? In this example, construction performed by the contractor does not include any tie-in work.

ANSWER: Yes. We apply a 3-part test when determining if a function being performed would be subject to the drug testing regulations. If the function involves the performance of an operation, maintenance, or emergency-response on the pipeline and the function is regulated under Parts 192, 193, or 195, then the drug testing regulations are applied. When an operator employs a person for a covered function involved in replacement, that person is subject to drug testing under Part 199 if Parts 192, 193 or 195 regulate the function. The procedure you outlined is a replacement function which meets the requirements for drug testing under Part 199. Because the primary purpose of replacement is maintenance, functions involved in replacing an existing pipeline or any part of it are maintenance functions done on a pipeline.

QUESTION: If all the contractor is doing is excavating a new trench for a pipeline in a new right-of-way for a replacement or relocation job, is the trenching activity a covered function?

ANSWER: No. Excavating for a new trench in the right-of-way would not be considered as performing a covered function because it is not on the pipeline. The only exception to this would be operating earth moving equipment to expose and/or backfill a pipeline during an operation, maintenance, or emergency-response function which is regulated by Parts 192, 193, or 195.

Thank you for your inquiry. Please let me know if you need additional information about our drug testing requirements.

Sincerely,

Richard L. Rippert
Drug and Alcohol Program Manager
Office of Pipeline Safety
Compliance